

Appl. No. : 09/817,535
Filed : March 26, 2001

REMARKS

In the Office Action, Claims 1, 2, 4, 6-14, and 16-18 were rejected under 35 USC 103(a) as being unpatentable over Yamada (Paper #20041104, patent number 6,336,100), in view of Netship (Paper #20041104, PTO-892, Item: U). Claim 3 was rejected under 35 USC 103(a) as being unpatentable over Yamada (Paper #20041104, patent number 6,336,100) and Netship (Paper #20041104, PTO-892, Item: U), as applied to Claim 1, further in view of Official Notice (Paper #20041104, as admitted prior art, regarding ordinary skill in the art). Claim 19 was rejected under 35 USC 103(a) as being unpatentable over Yamada (patent number 6,336,100) and Netship (PTO-892, Item: U), as applied to Claim 1, further in view of Official Notice (Paper #20041104, as admitted prior art, regarding fulfillment center facilities).

Applicant has canceled independent Claim 7 and amended Claims 9 and 16 to depend from independent Claim 1 to facilitate the examination process. Applicant reserves the right to represent canceled Claim 7 and respond the Examiner's rejections at a subsequent time.

Claim 1 has been amended to clarify certain aspects of a claimed invention. New Claims 20 and 21 have been added.

Response to Rejections

By focusing on specific references, claims and limitations in the remarks that follow, Applicant does not intend to imply an agreement with the Examiner's assertions with respect to other references, claims, and limitations.

As to Independent Claim 1

Claim 1, as amended, recites, "associating a plurality of items with each other, wherein each of the items is ordered by the consumer from a different one of a plurality of merchants."

In the Office Action, the examiner responds to Applicant's prior arguments by stating: "The Applicant is looking for the specific word 'association.' ... Yamada therefore teaches an association between the consumer and the products ordered by the consumer online." [2:10-15] It appears, based on the Examiner's statements, that he has construed Claim 1 so as to require an association between a consumer and products ordered by the consumer. Indeed, Claim 1, even prior to amendment, does not require such an association. Applicant has amended Claim 1 to make explicitly clear that it does require "associating a plurality of items with each other."

Claim 1, as amended, also requires that "each of the [associated] items is ordered by the consumer from a different one of a plurality of merchants." In the Office Action, the Examiner

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takes the position that Yamada discloses "on a computer, consumers order items from a plurality of virtual stores; orders products and selects a plurality of places (please note examiner's interpretation: consumer can select the same place multiple times as a plurality of places) (see at least col. 2, lines 19-21; col. 4, lines 60-65)." Applicant has reproduced the cited portions of Yamada below:

In FIG. 1, a numeral 1 indicates a server of an online shopping service provider. Provided on the server 1 is a shopping mall 2 with a plurality of virtual stores 2a.

...

According to the invention, although one item (commodity) is shown on the shopping list of FIG. 9, it is easy to make an order of delivery of a plurality of commodities to a plurality of places in STEP S9. In case of change in address, station, etc., the process goes back to STEP S2 or S3.

While Yamada does disclose making an order TO a plurality of places (meaning delivery locations), Yamada does not disclose making an order FROM a plurality of merchants. Accordingly, Yamada also does not disclose "wherein each of the items is ordered by the consumer from a different one of a plurality of merchants."

As to New Claim 20

New Claim 20 has been added to make clear that the association recited in Claim 1 can be indirect. Support for Claim 20 can be found, for example, in the specification at [51:13-18] and [52:1-4] and in the figures at Figure 11A, step 1100 and at Figure 11B, step 1107.

As to New Claim 21

New Claim 21 has been added. Support for Claim 21 can be found, for example, in the specification at [52:1-5], at [74:20-23], and at [75:11-76:2].

As to New Claim 22

New Claim 22 has been added. Support for Claim 22 can be found, for example, in the specification at [52:1-5].

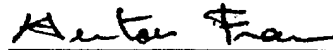
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CONCLUSION

In view of the foregoing remarks, Applicant submits that the application is in condition for allowance. If, however, issues remain which can potentially be resolved by telephone, the Examiner is invited to call the Applicant at his direct dial number of (408) 730-0110.

Respectfully submitted,

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